

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States Courts  
Southern District of Texas  
FILED

JUN 18 2020

David J. Bradley, Clerk of Court

United States of America

v.

Michael Eric MOSCONA

Case No. C-20-1258M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 17, 2020 in the county of Brooks in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

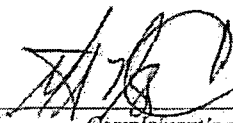
21 U.S.C. § 841

## Offense Description

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule I of the Controlled Substance Act of 1970, to wit: 70.68 kilograms of marijuana, approximate gross weight.

This criminal complaint is based on these facts:

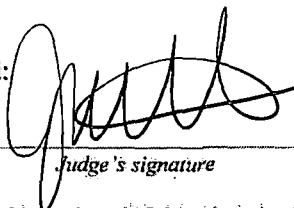
See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Gilberto Nieves, Task Force Agent

Printed name and title

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P. 4.1, and probable cause found:Date: June 18, 2020

Judge's signature

City and state: Corpus Christi, Texas

Julie K. Hampton, US Magistrate Judge

Printed name and title

Michael Eric MOSCONA

Attachment "A"

On June 17, 2020, Border Patrol Agent (BPA) Roman Paz, was assigned traffic check duties along with BPA Nefi Hernandez and his Service canine "Remkee" at the Falfurrias, Texas United States Border Patrol Checkpoint.

At approximately 6:35AM a silver in color Ford F-150, approached the primary inspection lane for an immigration inspection of the passenger in the vehicle. BPA Paz asked the driver, later identified as Michael Eric MOSCONA, where he was headed to. MOSCONA hesitantly responded "I'm going back home to work, I'm a firefighter." MOSCONA then stated "Actually I helped out in a car crash last night down the road from here."

BPA Paz asked MOSCONA what he was doing in the Valley (Rio Grande Valley Area) and MOSCONA looked around, paused for a few seconds and stated, "I was on vacation with my family, but it was cut short because my crew is short-handed at work, I'm a firefighter." BPA Paz asked MOSCONA where he was vacationing and MOSCONA replied "I stay at a Holiday Inn in South Padre Island with my family." BPA Paz asked MOSCONA how his family was going to get back to Louisiana and MOSCONA's bottom lip began to tremble and he paused for a few seconds. MOSCONA replied "They stayed but are going to follow me in a bit."

BPA Paz noticed the rental bar code on the windshield of the vehicle and asked MOSCONA if he had rented the truck. MOSCONA stated "I just rented it yesterday in Louisiana." BPA Paz also noticed a tool box that appeared to be brand new in the bed of the truck. BPA Paz asked MOSCONA if he had placed any luggage or tools in the tool box. MOSCONA replied "No not that I know of, it's a rental I don't have a key to the toolbox."

BPA Paz asked MOSCONA if he has had sole possession the vehicle. MOSCONA paused and stated "Yes, I think so." BPA Paz asked MOSCONA if there was anything he was concealing in the toolbox and MOSCONA stated "No, I don't have the key to the toolbox."

While BPA Paz was questioning MOSCONA, BPA Hernandez advised BPA Paz that his service canine "Remkee" was alerting to the vehicle. BPA Paz asked MOSCONA if he had any weapons in the vehicle and MOSCONA stated he had a Glock handgun in the bag on the front passenger seat of the truck. BPA Paz removed the bag from the vehicle for the safety of the Agents and MOSCONA. During BPA Paz' questioning, MOSCONA could not answer his questions, was avoiding eye contact and appeared nervous. Furthermore, during BPA Paz' questioning, he was satisfied MOSCONA was a United States Citizen. BPA Paz referred MOSCONA to the secondary inspection area for further inspection of the vehicle.


Once in the secondary inspection area, BPA Hernandez and his Service canine "Remkee" continued to search the vehicle. BPA Hernandez advised BPA Paz that his service canine alerted to the toolbox located in the bed of the truck. BPA Paz asked MOSCONA once again if he had the key to the toolbox and MOSCONA replied that he did not have the key. BPA Paz and BPA

Wayne White forced the toolbox open and noticed several bundles wrapped in black cellophane. A bundle was cut open revealing a green leafy substance that was determined to be marijuana. At that point, MOSCONA was placed under arrest and escorted into the checkpoint.

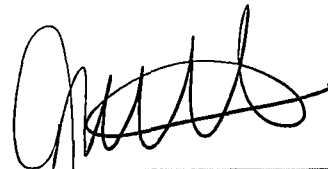
On June 17, 2020, SA Stacey Slater and TFO Jason Rhodes arrived at the Falfurrias, Texas, Border Patrol Checkpoint and spoke to MOSCONA. SA Slater and TFO Rhodes issued MOSCONA his Miranda Rights. MOSCONA acknowledged in writing that he understood his rights. MOSCONA admitted he was transporting marijuana from the Rio Grande Valley Area to Ponchatoula, Louisiana. MOSCONA stated he had made several trips transporting marijuana in his personal truck in previous months.

A total of 18 bundles of marijuana wrapped in black plastic were seized from the toolbox. The total weight of the 18 bundles of marijuana was found to be 70.68 gross kilograms.

Assistant United States Attorney Sara Popejoy authorized the federal prosecution of MOSCONA. The amount of marijuana, 70.68 kilograms, approximate gross weight, infers the intent to distribute.

  
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Gilberto Nieves, Task Force Agent  
Drug Enforcement Administration

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P. 4.1, and probable cause found:

  
\_\_\_\_\_  
Julie K. Hampton  
United States Magistrate Judge